



10 AUG 2006

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In re Application of	:	
SADAT et al.	:	
Application No.: 10/577,739	:	DECISION ON
PCT No.: PCT/US03/31078	:	
Int. Filing Date: 02 October 2003	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: 2182301	:	37 CFR 1.137(b)
For: PEPTIDE FOR PROMOTING HEALING	:	
OF FRACTURES	:	

This decision is in response to applicant's submission filed 02 May 2006.

BACKGROUND

On 02 October 2003, applicant filed international application PCT/US03/31078 which designated the U.S. but did not claim a priority date. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 12 May 2005. The thirty-month period for paying the basic national fee in the United States expired at midnight on 03 April 2006 (02 April 2006 being a Sunday).

On 02 May 2006, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, an assertion of small entity status, a declaration of the inventors, the surcharge under 37 CFR 1.492(h) for filing any of the search fee, the examination fee, or the oath or declaration after the date of the commencement of the national stage, and a petition under 37 CFR 1.137(b) to revive the application.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the

reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 02 May 2006.

As to item (2), applicant submitted the petition fee on 02 May 2006.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of the inventors filed 02 May 2006 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.


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